

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MINNESOTA LIFE INSURANCE
COMPANY,

Plaintiff,

Case No. 17-cv-11971

Hon. Matthew F. Leitman

v.

THE ELIZABETH M. KENNEDY
IRREVOCABLE LIFE INSURANCE
TRUST DATED MARCH 6, 1981,
SCOTT HILL-KENNEDY, MEGAN
MARIE HAIGHT, MICHAEL RYAN
KENNEDY, MACKENZIE PAUL
KENNEDY,

Defendants.

**STIPULATED ORDER OF DEFAULT JUDGMENT,
PAYMENT OF INSURANCE PROCEEDS, AND DISMISSAL**

On the motion of the Minnesota Life Insurance Company (“Minnesota Life”), through stipulation of the parties, and the court being fully advised on the premises, it is ORDERED AND ADJUDGED THAT:

1. Minnesota Life has satisfied the requirements under Fed. R. Civ. P. 22 for an interpleader action.
2. Minnesota Life’s motion for default judgment against The Elizabeth M. Kennedy Irrevocable Life Insurance Trust dated March 6, 1981 is **GRANTED**.

3. Judgment is entered in favor of Minnesota Life and against The Elizabeth M. Kennedy Irrevocable Life Insurance Trust dated March 6, 1981, finding that The Elizabeth M. Kennedy Irrevocable Life Insurance Trust dated March 6, 1981 is not entitled to any share of the judgment proceeds in the underlying interpleader action.

4. The parties agree that the life insurance proceeds of \$1,000,000.00 (the “Benefit”) under life insurance policy number 1-640-922 (the “Policy”) described in Minnesota Life’s Complaint for Interpleader (ECF No. 1), plus applicable interest, less reasonable attorneys’ fees and costs of \$17,579.54, should be distributed to Scott P. Hill-Kennedy, trustee of the Elizabeth M. Kennedy Trust under Agreement dated March 20, 1972, as amended and restated. The beneficiaries of the Elizabeth M. Kennedy Trust under Agreement dated March 20, 1972, as amended and restated, include the remaining defendants, Scott Hill-Kennedy, Megan Marie Haight, Michael Ryan Kennedy, and Mackenzie Paul Kennedy.

5. Minnesota Life is awarded agreed-upon attorneys’ fees and costs in the amount of \$17,579.54, which shall be subtracted from the Benefit prior to its distribution to Scott P. Hill-Kennedy, trustee of the Elizabeth M. Kennedy Trust under Agreement dated March 20, 1972, as amended and restated.

6. Upon payment of the Benefit, plus any applicable interest and less reasonable attorneys' fees and costs, to Scott P. Hill-Kennedy, trustee of the Elizabeth M. Kennedy Trust under Agreement dated March 20, 1972, as amended and restated, Minnesota Life and its past, present, and future parents, subsidiaries, affiliates, successors, assignees, agents, producers, servants, employees, officers, directors, principals, representatives, attorneys, and insurers are discharged from any and all liability with respect to the coverage under the Policy, the Benefit, and/or the facts at issue in this case. For purposes of this paragraph, "payment of the Benefit" shall be deemed to have occurred when the check representing the Benefit is received by counsel for Defendants.

7. The defendants named in Minnesota Life's Interpleader Complaint, the Elizabeth M. Kennedy Trust under Agreement dated March 20, 1972, and Scott-Hill Kennedy trustee of the Elizabeth M. Kennedy Trust under Agreement dated March 20, 1972, as amended and restated, and any other claimant to the Benefit, together with their agents, attorneys, and assigns are permanently enjoined from instituting or maintaining any additional federal, state, or administrative action against Minnesota Life, as well as its past, present, and future parents, subsidiaries, affiliates, successors, assignees, agents, producers, servants, employees, officers, directors, principals, representatives, attorneys, and insurers relating to the Policy, the Benefit, and/or the facts at issue in this case.

This action is hereby dismissed WITH PREJUDICE and without costs to any party.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 8, 2018

We stipulate to entry of this order:

BODMAN PLC

/s/ Michelle Thurber Czapski
Michelle Thurber Czapski (P47267)
201 W. Big Beaver Road
Suite 500
Troy, MI 48084
(248) 743-6000
mczapski@bodmanlaw.com
Attorneys for Plaintiff

CLARK HILL PLC

/s/ J. Thomas MacFarlane (w/consent)
J. Thomas MacFarlane (P40581)
Mallory Kallabat (P79082)
151 S. Old Woodward Avenue
Suite 200
Birmingham, MI 48009
(248) 642-9692
jmacfarlane@clarkhill.com
mkallabat@clarkhill.com
Attorneys for Defendants